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December 10, 2020

VIA ECF

Hon. Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Screen v. Quality Protection Services, Inc. et al*
1:20-cv-02506-LGS

Dear Judge Schofield:

This firm represents the Defendants in the above-referenced action. We write with Plaintiff's consent to clarify whether Plaintiff's deposition shall proceed on December 15 even if the New York City Fire Department ("FDNY") has not yet responded to the Court's So-Ordered subpoena. Given the timing, prior orders, the pending subpoena from this Court, and the crucial information the FDNY may possess concerning this case, the Defendants respectfully request that this Court permit depositions to be rescheduled if the FDNY has not responded by 10:00 a.m. on December 14, 2020.

On November 17, 2020, this Court ordered that the parties provide "dates certain for depositions of all fact witnesses." See ECF Doc. 39. In choosing their dates, the parties also indicated that some paper discovery was outstanding. At Plaintiff's request, the parties agreed, and the Court ordered, that Defendants "produce any documents obtained through the use of... authorizations to Plaintiff, prior to Defendants' deposition of Plaintiff." ECF Doc. 42.

Defendants served attorney-signed subpoenas, together with Plaintiff's executed authorizations, on the FDNY and the New York State Department of Labor ("NY DOL") as indicated in their December 7 letter. See ECF Doc. 43. Because neither agency had responded at the time, the Court issued subpoenas to compel their response by December 14 at 10:00 a.m. See ECF Doc. 44. Since that time, the NY DOL provided responsive information, which Defendants produced yesterday evening, on December 9, 2020. But the FDNY has not yet responded.

The parties expect that the FDNY will produce information about Plaintiff's certifications that is crucial to the case because the Defendants assert that Plaintiff did not maintain the certifications required for her position. For this reason, the Defendants write to clarify whether

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they must proceed with Plaintiff's deposition on December 15 even if the FDNY has not responded to the Court's subpoena by December 14, 2020, at 10:00 a.m. Because fact discovery closes on February 2, 2021, no other scheduled dates will be affected should the Court grant this motion.

Thank you for Your Honor's time and consideration.

Respectfully submitted,

CLIFTON BUDD & DeMARIA, LLP

Attorneys for the Defendants

By: /s/Ian-Paul A. Poulos

Arthur J. Robb

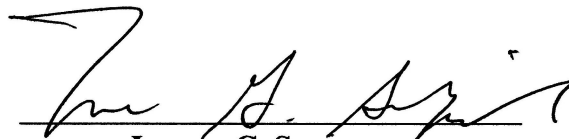
Ian-Paul A. Poulos

CC: Counsel of Record (via ECF)

The dates of depositions may be changed by written consent of the parties, without application to the Court, provided that all fact discovery is completed by **February 2, 2021**. The Clerk of Court is respectfully directed to close the motion at Docket No. 45.

So Ordered.

Dated: December 11, 2020
New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE